

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	Janne La. AALTONEN <i>et al.</i>	Confirmation No.:	2213
Application No.:	10/688,430	Examiner:	Lai, Michael C
Filed:	October 17, 2003	Group Art Unit:	2457

For: SYSTEM AND ASSOCIATED TERMINAL, METHOD AND COMPUTER
 PROGRAM PRODUCT FOR RECORDING CONTENT USAGE
 STATISTICS

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed June 1, 2011.

I. STATUS OF THE CLAIMS

Claims 1-6, 8-25, 27-42, 44-59 and 61-71 are pending in this appeal, where claims 7, 26, 43 and 60 have earlier been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-6, 8-25, 27-42, 44-59 and 61-71 in the Final Office Action dated September 2, 2010 (hereinafter referred to as the "9/2/1010 Final Office Action").

II. GROUND OF REJECTION TO BE REVIEWED

The rejection of claims 1-6, 8-25, 27-42, 44-59 and 61-71 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The rejection claims 11-16, 18-19, 29-34, 36, 46-51, 53, 63-68 and 70 under 35 U.S.C. § 103(a) as being upatentable over *Hendricks et al.* (US 5,798,785) in view of *Bims* (US 6,788,658).

The rejection claims 1-4, 6, 8-10, 20-23, 25, 27-28, 37-40, 42, 44-45, 54-57, 59, 61-62 and 71 under 35 U.S.C. § 103(a) as being upatentable over *Hendricks* in view of *Bims*, and further in view of *Hale et al.* (6,785,539).

The rejection claims 5, 24, 41 and 58 under 35 U.S.C § 103(a) as being upatentable over *Hendricks* in view of *Bims* and *Hale*, and further in view of *Inoue* (US 5,826,168).

The rejection claims 17, 35, 52 and 69 under 35 U.S.C § 103(a) as being upatentable over *Hendricks* in view of *Bims*, and further in view of *Inoue*.

III. ARGUMENT

Appellants maintain and incorporate the positions presented in the Appeal Brief filed March 2, 2011 (hereinafter “the Appeal Brief”), but present further refutation of certain assertions presented in the Examiner’s Answer of June 1, 2011 (hereinafter “the Examiner’s Answer”).

A. The Rejection of Claims 1-6, 8-25, 27-42, 44-59 and 61-71 Under 35 U.S.C. § 112, First Paragraph.

As presented in the Appeal Brief, Appellants contend that the claim recitations of “determine to” and “determining to,” which form the basis for the Examiner’s written description rejection, are sufficiently supported by the specification. (*See Appeal Brief*, § B) In response, according to the Examiner’s Answer, the Examiner asserts that:

The examiner disagrees with Appellant's characterization (i.e. "[i]n other words, the processor, under execution of the associated software applications, "determines to" cause the entity to perform the associated method step or apparatus function. See page 11). For example, method claim 37 recites "determining to access at least one piece of content from a memory of a terminal in an offline ... " Plain and simple the step requires a determination to access. However, no processor is recited, no algorithm is recited, no "entity" is recited. For another example, system claim 1 recites "a terminal configured to determine to access at least one piece of content from a memory of the terminal in an offline ... " Plain and simple the terminal requires a determination to access. However, no algorithm is recited.

It's unreasonable and in violation of the mandate to apply BRI and one can not read the specification into the claim, particularly, to read into the claims "the processor, under execution of the associated software applications, "determines to" cause the entity to perform the associated method step or apparatus function", as applicant argues.

(*Examiner’s Answer*, Pp. 22-23, § B)(*emphasis added*) Appellants note, however, that the rejection being traversed is a rejection under 35 U.S.C. § 112, first paragraph, **as failing to comply with the written description requirement.** (*See, e.g., Examiner’s Answer*, Pp. 4-5, ¶ 9, “Claim Rejections – 35 U.S.C. § 112”)(*emphasis added*) More specifically, the rejection states that “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (*Id.*)

As such, according to the MPEP, in order to traverse this rejection, Appellants need only show that “the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” *See MPEP*, § 2163.02 (citing *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991)). Accordingly, as presented by the Appeal Brief, Appellants are not “read[ing] the specification into the claim” (as asserted by the Examiner), but rather are citing to the portions from the written description that provide the requisite support for “what is now claimed.” For example, claim 1 recites, *inter alia*, “a terminal configured to determine to access at least one piece of content from a memory of the terminal.” In support of this claim element, the specification discloses that, in an example embodiment, “the entity capable of operating as a terminal 10 ... can generally include a processor 32 connected to a memory 34,” and that “the memory typically stores software applications, instructions or the like for the processor to perform steps associated with operation of the entity in accordance with embodiments of the present invention.” (Specification, ¶ 40) In other words, the Specification expressly discloses a terminal, where, in one embodiment, the terminal can contain a processor and memory (storing software) for performing the associated process steps. Hence, Appellants submit that, the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date, that the Appellants were in possession of a terminal configured to perform the functions, as currently recited by claim 1 for example. Similarly, the Specification provides example embodiments of devices capable of carrying out the method steps, as currently recited in the method claims of the present application.

Appellants, therefore, respectfully submit that claims 1-6, 8-25, 27-42, 44-59 and 61-71 are in compliance with 35 U.S.C § 112, first paragraph, and accordingly request that the respective rejection be reversed.

B. Claims 11-16, 18-19, 29-34, 36, 46-51, 53, 63-68 and 70 are Not Rendered Obvious by *Hendricks* In View Of *Bims*

As presented in the Appeal Brief, Appellants contend that the § 103(a) rejection fails to demonstrate that *Hendricks* discloses or suggests the claimed features of sending/receiving the content usage log before the broadcast content is broadcast, in the manner as recited by independent claims 11, 29, 46 and 63. (*See Appeal Brief*, § C) In response, according to the Examiner's Answer, the Examiner asserts that:

Hendricks discloses a preview menu screen 1142 as shown in FIG. 14 may be shown to the subscriber which describes and previews the program selection. The preview menu screens may include live video or stills 1144 depicting the program selected (see column 38, lines 24-28). According to page 26, lines 4-11 of the original specification, previews are one of pre-broadcast content. Hendricks further discloses the local cable company will in turn be in communication with the operations center 202 or a regional control center (i.e., the destination in the claims) which accumulates return data from the set top terminal 220 (i.e., the terminal in the claims) for statistical or billing purposes (see column 9, lines 11-19). Therefore, Hendricks clearly discloses the feature of sending/receiving the content usage log before the broadcast content is broadcast as recited by independent claims 11, 29, 46 and 63.

(*Examiner's Answer*, Pp. 23-24, § C)(*emphasis in original*) First, Appellants note that a careful reading of the cited passage reveals that *Hendricks* does not in fact disclose that **the preview menu screen is viewed prior to the broadcast of the corresponding program**, such that the content usage log would be collected and transmitted to the destination prior to the broadcast of the content.

More specifically, the cited passage provides that:

After a subscriber selects a suggested program from a menu screen or list of the selection feature, the microprocessor 602 electronically informs the tuning and decompressing hardware of the bandwidth location of the appropriate program (within the television program signal). Armed with this information the set top terminal 220 is able to display the program for the viewer on a television, monitor or similar device. Alternatively, a preview menu screen 1142 as shown in FIG. 14 may be shown to the subscriber which describes and previews the program selection. The preview menu screens may include live video or stills 1144 depicting the program selected.

(*Hendricks*, col. 38, lines 17-28) Based on the beginning of this passage, *Hendricks* provides that, once a subscriber selects a suggested program from a menu screen, the microprocessor provides “the bandwidth location” of the program to the tuning and decompressing hardware, where the “bandwidth location” corresponds to the location of the program within the television program signal (e.g., the broadcast signal). The set-top box is then able to tune to and decompress the program for display to the subscriber. Further, the preview menu screen referenced by the Examiner comprises an “alternative” screen that can be shown to the subscriber, which provides a preview that depicts the actual suggested program(s). Accordingly, if the subscriber selects a program based on the preview, according to the prior portion of the passage, the set-top box would then tune into the respective bandwidth portion of the broadcast television signal. Hence, at best, according to the *Hendricks* disclosure, the preview menu screen is provided to the subscriber simultaneously with the broadcast of the corresponding program(s).

Second, with respect to the Examiner’s reference to the accumulation of return data from the set top terminal for statistical or billing purposes, as cited from column 9, lines 11-19 of *Hendricks*, the Examiner’s Answer fails to specify any portion of the cited passage that even ties the “statistical” return data to any particular content, let alone any portion that discloses or suggests that the return data from the set-top terminal is provided prior to the broadcast of any

corresponding content. Moreover, as presented in the Appeal Brief, Appellants submit that, regardless of the purpose (billing or statistical purposes), *Hendricks* lacks any disclosure or indication that such poll-back data is sent or received before the broadcast of any associated content, as presently claimed.

Appellants respectfully submit, therefore, that, notwithstanding the Examiner's Answer, the § 103(a) rejection still fails to demonstrate that *Hendricks* discloses or suggests the claimed feature of sending/receiving the content usage log before the broadcast content is broadcast, in the manner as recited by independent claims 11, 29, 46 and 63.

C. Claims 1-4, 6, 8-10, 20-23, 25, 27-28, 37-40, 42, 44-45, 54-57, 59, 61-62 and 71 are Not Rendered Obvious by *Hendricks* in View of *Bims*, and Further in View of *Hale*

As presented in the Appeal Brief, Appellants contend that *Hale* fails to disclose or suggest the claimed features of accessing at least one piece of content from a memory of the terminal in an offline manner after receipt of the at least one piece of content, the access of the at least one piece of content being a trigger to the terminal to determine its location, in the manner as presently recited by independent claims 1, 20, 37 and 54. In response, according to the Examiner's Answer, the Examiner asserts that:

Hale discloses that a portable device receives a code from a particular transmitter at a venue location, and the code triggers the device to access a particular piece of content from memory (the location triggers to access a corresponding content). **One of ordinary skill in the art at the time the invention was made will have no problem to come up with the feature of: a terminal accesses at least one piece of content from memory, where the access of the at least one piece of content provides a trigger to the terminal to determine its location, as presently claimed. Since it has been held that a mere reverse of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.**

(*Examiner's Answer*, Pp. 24-25, § D)(*emphasis added*) Appellants respectfully disagree.

First, Appellants submit that, while the particular facts of *In re Einstein* (1931), may have supported a finding that a mere reversal of essential working parts of a device will not obviate a finding of obviousness, this ruling does not stand for a *per se* rule that a reversal of components or steps will result in obviousness. *See, e.g., Ex parte Brunson* (Appeal 2009-012413). In *Ex parte Brunson*, the Board of Patent Appeals and Interferences addressed the notion of a *per se* rule regarding the mere reversal of parts, and reversed the Examiner's rejection of the claims (which relied on the general proposition of a reversal of parts). The Board determined that a *per se* rule of obviousness cannot substitute for a fact-specific analysis, emphasizing that:

[w]hen determining whether a claim is obvious, an Examiner must make “a searching comparison of the claimed invention - including all its limitations – with the teachings of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995). Reliance on *per se* rules of obviousness that eliminate the need for fact-specific analysis of claims and prior art is legally incorrect. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), cited with approval in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417-18 (2007).

Moreover, based on such a fact-specific analysis of the present case, Appellants submit that the disclosure of *Hale* does not in fact render the present claims obvious, either under the theory of “a reversal of parts,” or otherwise.

For example, as presented in the Appeal Brief, according to the cited passages from the disclosure, *Hale* provides that, as a user travels around a theme park, for example, a handheld device receives triggers from transmitters located throughout the theme park. (*Hale*, col. 10, lines 34-39). The triggers in turn prompt the handheld device to present certain content to the user. (*Id.*) Accordingly, the handheld device receives a trigger that prompts the device to access certain content from its memory that corresponds with the trigger. (*Id.*) Further, according to column 9, in the context of a theatre, *Hale* provides that based on a determined message type (trigger), the

remaining data of the message is used to locate presentation material in the device memory. (*Hale*, col. 9, lines 45-62) For example, the message received in a theater will contain data specifying the theater location, show playing, and current time in the show, and, in response, the device will search its memory for audio or visual content in that show at the current time, and present the material on its display or through its audio amplifier. (*Hale*, col. 9, lines 62-67) In other words, the device may be provided with its location as part of the indication as to the particular content from the memory to be presented to the user. *Hale* thereby provides that the location information is provided as a trigger to prompt the device to access the corresponding content from memory – and not the access of the content from memory acts as a trigger for the terminal to determine its location, as presently claimed.

Moreover, a reversal of these elements – the accessing of the content as a trigger for the device to determine its location – would neither be obvious nor a reasonable modification in the context of the *Hale*. For example, the purpose of the *Hale* device is to receive a message from a transmitter, where the message triggers the device to access a corresponding piece of content from its memory. As part of the message, the transmitter may provide a location of the transmitter as a designation of the particular content to be accessed from the device memory – that is, the location of the device triggers the access of a particular piece of content from memory. Accordingly, it would make no sense at all, in the context of the *Hale* disclosure, for the device to access certain content in its memory, and then have the accessing of that content act as a trigger to have the device determine its location, as recited by the present claims. Once the device knows the particular piece of content to be accessed in the *Hale* system, there is no need for a determination by the device of its location for transmitting to a destination – no aspect of the *Hale* system concerns the location of the device, other than as a determination of the particular

content to be accessed from memory. Appellants, therefore, submit that a reversal of parts in the *Hale* system would serve no purpose, and thus would not be obvious to one of ordinary skill in the art, as asserted by the Examiner.

Accordingly, Appellants respectfully submit that, notwithstanding the Examiner's Answer, the § 103(a) rejection still fails to demonstrate that *Hale* discloses or suggests the claimed features of accessing at least one piece of content from a memory of the terminal, where the access acts as a trigger to the terminal to determine its location, in the manner as presently recited by independent claims 1, 20, 37 and 54.

IV. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellants request the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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August 1, 2011
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V. CLAIMS APPENDIX

1. A system comprising:

a terminal configured to determine to access at least one piece of content from a memory of the terminal in an offline manner after receipt of the at least one piece of content, the access of the at least one piece of content being a trigger to the terminal to determine to obtain its location, the terminal being configured to determine to obtain its location in response to the trigger, wherein the terminal is also configured to determine to store, into a content usage log, at least one content usage statistic relating to the access of the at least one piece of content from memory, and wherein at least one content usage statistic comprises the location of the terminal; and a destination configured to receive the content usage log including the at least one content usage statistic.

2. A system of Claim 1, wherein the terminal is configured to receive the at least one piece of content in accordance with a broadband data broadcast technique, and wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

3. A system of Claim 2, wherein the terminal is configured to determine to send the content usage log to the destination when a return channel between the terminal and the destination is at least one of available or established.

4. A system of Claim 1, wherein the terminal is configured to determine to access at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content, and wherein the terminal is configured to determine to send the content usage log to the destination before the broadcast content is broadcast.

5. A system of Claim 4, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the terminal is configured to determine to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

6. A system of Claim 1, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory.

7. (Canceled)

8. A system of Claim 1, wherein the terminal is configured to:

determine to repeatedly access at least one piece of content, each access being a trigger to the terminal to determine to obtain its location;

determine to obtain its location in response to each respective trigger;

determine to repeatedly store at least one content usage statistic for at least one period of time; and

determine to send the content usage log to the destination after each period of time.

9. A system of Claim 1, wherein the destination is configured to receive the content usage log including the at least one content usage statistic such that a network entity is configured to determine to send, to the terminal, at least one piece of content based upon the at least one content usage statistic.

10. A system of Claim 1, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;
information regarding used connection types; or
information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

11. A system comprising:

a terminal configured to determine to access at least one piece of content from a memory,
wherein the at least one piece of content comprises at least one piece of pre-broadcast content related to broadcast content,
the pre-broadcast content including the broadcast content,
wherein the terminal is also configured to determine to store, into a content usage log,
at least one content usage statistic relating to the terminal accessing the at least one piece of pre-broadcast content from the memory; and
a destination configured to receive the content usage log including the at least one content usage statistic before the broadcast content is broadcast.

12. A system of Claim 11, wherein the terminal is configured to receive the at least one piece of content in accordance with a broadband data broadcast technique, and wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

13. A system of Claim 12, wherein the terminal is configured to determine to send the content usage log to the destination when a return channel between the terminal and the destination is at least one of available or established.

14. A system of Claim 11, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory.

15. A system of Claim 11, wherein the terminal is configured to access at least one piece of content from a memory of the terminal in an offline manner.

16. A system of Claim 11, wherein the terminal is configured to:

determine to repeatedly access at least one piece of content;

determine to repeatedly store at least one content usage statistic for a period of time before the broadcast content is broadcast; and

determine to send the content usage log to the destination after the period of time and before the broadcast content is broadcast.

17. A system of Claim 11, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the terminal is configured to determine to access the at least one piece of pre-

broadcast content at least a predefined period of time before the broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

18. A system of Claim 11, wherein the destination is configured to receive the content usage log including the at least one content usage statistic such that a network entity is configured to send, to the terminal, at least one piece of content based upon the at least one content usage statistic.

19. A system of Claim 11, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;

information regarding used connection types; or

information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

20. An apparatus comprising:

at least one processor; and

at least one memory including computer program code for one or more programs,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

determine to access at least one piece of content from a memory in an offline manner after receipt of the at least one piece of content, the access of the at least one piece of content being a trigger to determine to obtain a location of the apparatus;

determine to obtain the location of the apparatus in response to the trigger; and

determine to store at least one content usage statistic relating to the access of the at least one piece of content from memory into a content usage log, wherein the at least one content usage statistic comprises the location of the apparatus.

21. An apparatus of Claim 20, wherein the apparatus is further caused to:

receive the at least one piece of content in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

22. An apparatus of Claim 21, wherein the apparatus is further caused to:

determine to send the content usage log to a destination when a return channel between the apparatus and the destination is at least one of available or established.

23. An apparatus of Claim 20, wherein the apparatus is further caused to:

receive and store at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content;
determine to send the content usage log to a destination before the broadcast content is broadcast.

24. An apparatus of Claim 23, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the apparatus is further caused to:

determine to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, wherein the predefined period of time comprises the given time period.

25. An apparatus of Claim 20, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the apparatus or the at least one piece of content accessed from the memory of the apparatus.

26. (Canceled)

27. An apparatus of Claim 20, wherein the apparatus is further caused to:

determine to repeatedly access the at least one piece of content, each access being a trigger to
determine to obtain the location of the apparatus;
determine to obtain the location of the apparatus in response to each respective trigger;
determine to repeatedly store the at least one content usage statistic for at least one period of
time; and
determine to send the content usage log to a destination after each respective period of time.

28. An apparatus of Claim 20, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;
information regarding used connection types; or
information regarding available connection types comprising at least one of a signal strength,
capacity or utilization rate of the connection types.

29. An apparatus comprising:

at least one processor; and
at least one memory including computer program code for one or more programs,
the at least one memory and the computer program code configured to, with the at least one
processor, cause the apparatus to perform at least the following,

determine to access at least one piece of content from a memory, the at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content, the pre-broadcast content including the broadcast content; determine to store, into a content usage log, at least one content usage statistic relating to accessing the at least one piece of pre-broadcast content from the memory; and determine to send the content usage log to a destination before the broadcast content is broadcast.

30. An apparatus of Claim 29, wherein the apparatus is further caused to:

receive the at least one piece of content in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

31. An apparatus of Claim 29, wherein the apparatus is further caused to:

determine to send the content usage log to the destination when a return channel between the apparatus and the destination is at least one of available or established.

32. An apparatus of Claim 29, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the apparatus or the at least one piece of content accessed from the memory of the apparatus.

33. An apparatus of Claim 29, wherein the apparatus is further caused to:

determine to access the at least one piece of content from a memory of the apparatus in an offline manner.

34. An apparatus of Claim 29, wherein the apparatus is further caused to:

determine to repeatedly access the at least one piece of content;

determine to repeatedly store the at least one content usage statistic for a period of time before the broadcast content is broadcast and;

determine to send the content usage log to a destination after the period of time and before the broadcast content is broadcast.

35. An apparatus of Claim 29, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the apparatus is further caused to:

determine to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, wherein the predefined period of time comprises the given time period.

36. An apparatus of Claim 29, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;

information regarding used connection types; or

information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

37. A method comprising:

determining to access at least one piece of content from a memory of a terminal in an offline manner after receipt of the at least one piece of content, the access of the at least one piece of content being a trigger to determine to obtain a location of the terminal;

determining to obtain the location of the terminal in response to the trigger; and
determining to store at least one content usage statistic relating to the access of the at least one piece of content into a content usage log, wherein at least one content usage statistic comprises the location of the terminal.

38. A method of Claim 37 further comprising:

receiving the at least one piece of content into the memory of the terminal in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

39. A method of Claim 38 further comprising:

determining to send the content usage log to a destination when a return channel between the terminal and the destination is at least one of available or established.

40. A method of Claim 37 further comprising:

receiving the at least one piece of content into the memory of the terminal, wherein the at least one piece of content comprises at least one piece of pre-broadcast content related to broadcast content;

determining to send the content usage log to a destination; and thereafter

determining to broadcast the broadcast content.

41. A method of Claim 40, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein determining to access at least one piece of content comprises determining to access at least one piece of pre-broadcast content at least a predefined period of time before the

broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

42. A method of Claim 37, wherein at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory of the terminal.

43. (Canceled)

44. A method of Claim 37 further comprising:

determining to repeatedly access the at least one piece of content, each access being a trigger to determine to obtain the location of the terminal;
determining to obtain the location of the terminal in response to each respective trigger;
determining to store at least one content usage statistic for at least one period of time; and
determining to send the content usage log to a destination after each period of time.

45. A method of Claim 37, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;
information regarding used connection types; or
information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

46. A method comprising:

determining to access at least one piece of content from a memory of a terminal, wherein the at least one piece of content comprises at least one piece of pre-broadcast content related to broadcast content, the pre-broadcast content including the broadcast content;

determining to store, into a content usage log, at least one content usage statistic relating to accessing the at least one piece of pre-broadcast content from the memory;

determining to send the content usage log to a destination; and thereafter

determining to broadcast the broadcast content.

47. A method of Claim 46 further comprising:

receiving at least one piece of content into the memory of the terminal in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of pre-broadcast content for at least one channel comprising at least one of a television, radio or data channel.

48. A method of Claim 47 further comprising:

determining to send the content usage log to a destination when a return channel between the terminal and the destination is at least one of available or established.

49. A method of Claim 46, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory of the terminal.

50. A method of Claim 46 further comprising:

determining to access the at least one piece of content from a memory of the terminal in an offline manner.

51. A method of Claim 46 further comprising:

determining to repeatedly access the at least one piece of content;

determining to store the at least one content usage statistic for a period of time before
broadcasting the broadcast content; and

determining to send the content usage log to a destination after the period of time and before
broadcasting the broadcast content.

52. A method of Claim 46, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein determining to access the at least one piece of content comprises determining to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

53. A method of Claim 46, wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;

information regarding used connection types; or

information regarding available connection types comprising at least one of a signal strength,
capacity or utilization rate of the connection types.

54. A computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

determining to access at least one piece of content from a memory of a terminal in an offline manner after receipt of the at least one piece of content, the access of the at least one piece of content being a trigger to determine to obtain a location of the terminal;

determining to obtain the location of the terminal in response to the trigger; and

determining to store at least one content usage statistic relating to the access of the at least one piece of content into a content usage log, wherein at least one content usage statistic comprises the location of the terminal.

55. A computer-readable storage medium of Claim 54, wherein the apparatus is caused to further perform:

receiving the at least one piece of content into the memory of the terminal in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel.

56. A computer-readable storage medium of Claim 55, wherein the apparatus is caused to further perform:

determining to send the content usage log to a destination when a return channel between the terminal and the destination is at least one of available or established.

57. A computer-readable storage medium of Claim 54, wherein the apparatus is caused to further perform:

receiving at least one piece of content into the memory of the terminal, wherein the at least one piece of content comprises at least one piece of pre-broadcast content related to broadcast content; and

determining to send the content usage log to a destination before the broadcast content is broadcast.

58. A computer-readable storage medium of Claim 57, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the apparatus is caused to further perform:

determining to access at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

59. A computer-readable storage medium of Claim 54, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory of the terminal.

60. (Canceled)

61. A computer-readable storage medium of Claim 54, wherein the apparatus is caused to further perform:

determining to repeatedly access at least one piece of content, each access being a trigger to determine to obtain the location of the terminal;

determining to obtain the location of the terminal in response to each trigger;

determining to repeatedly store at least one content usage for at least one period of time; and
determining to send the content usage log to a destination after each period of time.

62. A computer-readable storage medium of Claim 54, wherein the at least one content usage statistic comprises one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;
information regarding used connection types; or
information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

63. A computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

determining to access at least one piece of content from a memory of a terminal, wherein the at least one piece of content comprises at least one piece of pre-broadcast content related to broadcast content, the pre-broadcast content including the broadcast content;
determining to store at least one content usage statistic relating to accessing the at least one piece of pre-broadcast content into a content usage log; and
determining to send the content usage log to a destination before the broadcast content is broadcast.

64. A computer-readable storage medium of Claim 63, wherein the apparatus is caused to further perform:

receiving the at least one piece of content into the memory of the terminal in accordance with a broadband data broadcast technique, wherein the at least one piece of content comprises at least one piece of pre-broadcast content for at least one channel comprising at least one of a television, radio or data channel.

65. A computer-readable storage medium of Claim 64, wherein the apparatus is further caused to perform:

determining to send the content usage log to a destination when a return channel between the terminal and the destination is at least one of available or established.

66. A computer-readable storage medium of Claim 63, wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal or the at least one piece of content accessed from the memory of the terminal.

67. A computer-readable storage medium of Claim 63, wherein the apparatus is caused to further perform:

determining to access at least one piece of content from a memory of the terminal in an offline manner.

68. A computer-readable storage medium of Claim 63, wherein the apparatus is caused to further perform:

determining to repeatedly access at least one piece of content;

determining to store at least one content usage statistic for a period of time before broadcasting the broadcast content; and

determining to send the content usage log to a destination after the period of time and before the broadcast content is broadcast.

69. A computer-readable storage medium of Claim 63, wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel, wherein the apparatus is caused to further perform:

determining to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast, and wherein the predefined period of time comprises the given time period.

70. A computer-readable storage medium of Claim 63, wherein the at least one content usage statistic comprises one of the following relating to the at least one piece of content accessed from the memory:

a time the at least one piece of content was accessed from memory;

information regarding used connection types; or

information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types.

71. An apparatus of Claim 20, wherein the location of the apparatus includes a geographic location of the apparatus.

VI. EVIDENCE APPENDIX

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

VII. RELATED PROCEEDINGS APPENDIX

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.